

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michel Aguet Docket No.: 39766-0104A  
Serial No.: 09/442,898 Group Art Unit: 1642  
Filing Date: November 18, 1999 Examiner: Nickol, Gary B.  
For: **METHODS FOR INHIBITING ANGIOGENESIS BY EphB  
RECEPTOR ANTAGONISTS**

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# 23  
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6/26/03

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

MS: No-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-identified patent application a Notice of Non-Compliant Amendment (Voluntary Revised Practice) issued on June 13, 2003 (Paper No. 22). According to the Notice, the Amendment filed on June 2, 2003 was non-compliant since (1) a complete listing of all the claims was not present in the amendment paper, and (2) the claims were not presented in ascending numerical order.

Applicants submit that the Notice issued in error.

The Amendment filed on June 2, 2003 does include a complete listing of all claims pending in this application (claims 1, 2, 4-6 and 23), and presents the claims in ascending numerical order.

Accordingly, Applicants request the entry of the Preliminary Amendment and Response dated on June 2, 2003.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop: No-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

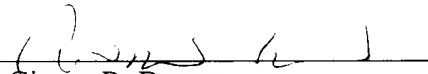
Date: June 18, 2003

*Cheryl Ann Rogers*  
Cheryl Ann Rogers

Although no fees are believed to be due at this time, the Commissioner is hereby authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39766-0104A). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: June 18, 2003

  
Ginger R. Dreger  
Reg. No. 33,055

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6/18/03 11:46 AM (39766.0104)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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Paper No. JUN 25 2003

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Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 6/21/03 under the voluntary revised amendment practice guidelines<sup>1</sup>, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☒ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: \_\_\_\_\_

LIE Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Supervisory Legal Instruments Examiner (SLIE)

<sup>1</sup> For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtpract.pdf>

